

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES H. GORBEY, JR., Administrator of the	:	
ESTATE OF MARISSA ROSE FISHMAN,	:	
deceased	:	Civil Action No.: 05cv211
Plaintiff,	:	
	:	
	:	
v.	:	
	:	
RICHARD LONGWILL, et al.	:	

**CROSSCLAIMS OF AIR BASE CARPET MART, INC. d/b/a AIR BASE
DISTRIBUTING, INC. d/b/a AIR BASE CARPET MART AGAINST VINCENT RIZZO
CONSTRUCTION COMPANY, INC., d/b/a ASHLAND CONSTRUCTION COMPANY,
INC., AND JOSEPH RIZZO**

CROSSCLAIMS AND/OR COUNTERCLAIMS FOR INDEMNITY/CONTRIBUTION

1. Answering defendants deny that they are liable to plaintiff in any respect.

However, in the event they are held liable to the plaintiff, then answering defendants crossclaim and/or counterclaim against Vincent Rizzo construction Co., Inc., d/b/a Ashland Construction, Co., Inc. and Joseph Rizzo, whose negligence was the primary cause of the damages sustained by the plaintiff and claims that answering defendants, if liable at all, are only secondarily liable. The answering defendants, therefore, are entitled to indemnification from Vincent Rizzo construction Co., Inc., d/b/a Ashland Construction, Co., Inc. and Joseph Rizzo.

2. In the event that answering defendants are held primarily liable to the plaintiff, then the alleged wrongful acts of Vincent Rizzo construction Co., Inc., d/b/a Ashland Construction, Co., Inc. and Joseph Rizzo are a contributing cause of the damages sustained by plaintiff and the answering defendants are entitled to contribution in any amount which it may be required to pay the plaintiff as a result of Vincent Rizzo construction Co., Inc., d/b/a Ashland Construction, Co., Inc. and Joseph Rizzo's wrongful acts, based on the relative degrees of fault determined pursuant to the provisions of the Delaware Uniform Contribution Among Tortfeasors

Law, 10 Del. C. § 6301 to § 6308.

WHEREFORE, Defendants, Air Base Carpet Mart, Inc. d/b/a Air Base Distributing, Inc. d/b/a Air Base Carpet Mart, respectfully requests this Honorable Court to enter judgment in its favor and against the Plaintiffs together with costs and fees.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Crossclaim was served upon the below-listed counsel of record this 1st day of June 2005, by electronically filing through the U.S. District Court through Pacer:

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